

REMARKS/ARGUMENTS

Claims 1, 4-5, 7-13, 18-21, 25 and 26 are pending. Applicants thank the Examiner for withdrawing the lack of enablement rejection, and the obviousness-type double-patenting rejection over claims 1-2 of US7,456,011.

Claims 1, 4-5, 7-13, 18-21, 25 and 26 are rejected over claims 1-12 of U.S. Patent No. 7,312,076 for alleged obviousness-type double patenting. To expedite prosecution, Applicants hereby file a terminal disclaimer. The terminal disclaimer disclaims the terminal portion of the term of a patent granted on the instant application over U.S. Patent No. 7,312,076. Applicants note that the filing of a terminal disclaimer to obviate a rejection based on non-statutory double patenting is not an admission of the propriety of the rejection. *See*, MPEP §804.02. Withdrawal of the rejection is requested.

Claims 1, 4-5, 9, 11-13, 18-21, 25 and 26 were provisionally rejected over claims 1-3, 5-6, 8-10 of USSN 11/938044 for alleged obviousness-type double patenting. As the rejection is a provisional rejection, and USSN 11/938044 has not issued as a patent, Applicants respectfully request that the Examiner allow the application once the remaining rejections are withdrawn.

Appl. No. 10/766,993
Amdt. dated October 21, 2009
Amendment under 37 CFR 1.116 Expedited Procedure
Examining Group 1632

PATENT

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance and an action to that end is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,



Matthew E. Hinsch
Reg. No. 47,651

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 415-576-0200
Fax: 415-576-0300
Attachments
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